

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

MICHAEL SCHULTZ, JOHN SCALA,
HUUB VAN ROOSMALEN, KIP KIRCHER,
ROBERT H. WAKE and LOUIS
SPANBERGER, On Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

08-cv-000314-SLC

TOMOTHERAPY INCORPORATED,
FREDERICK A. ROBERTSON, T.
ROCKWELL MACKIE, STEPHEN C.
HATHAWAY, PAUL RECKWERDT,
MICHAEL J. CUDAHY, JOHN J.
MCDONOUGH, JOHN NEIS, CARY C.
NOLAN, CARLOS A PEREZ, M.D., SAM R.
LENO and FRANCES S. TAYLOR,

08-cv-000342-SLC

CLASS ACTION

Defendants.

:

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE SETTLEMENT
AND REQUEST FOR ATTORNEY FEES

Lead Plaintiffs, by and through Co-Lead Counsel, hereby move this Court, pursuant to Fed. R. Civ. P. 23.1, for entry of the proposed form of Final Judgment and Order of Dismissal, Exhibit B to the Stipulation of Settlement, that, *inter alia*: **(1)** approves the parties' settlement of the claims raised in the Second Consolidated Complaint ("Complaint") as fair, reasonable and

adequate and (2) enters a final judgment. Lead Plaintiffs also move the Court for entry of the proposed form of Orders that (1) approve Co-Lead Counsel's application for a joint award of attorneys' fees and reimbursement of expenses and (2) approve the Plan of Allocation as set forth in the Notice.

In support of this Motion, Lead Plaintiffs rely upon all of their related submissions, all proceedings before this Court, and the accompanying Memorandum of Law.

Dated: February 1, 2011

Respectfully submitted,

By: /s/ Shpetim Ademi
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